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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1939-1971

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March 10, 2004

**FACSIMILE COVER SHEET**

To: Mail Stop IDS  
Commissioner For Patents  
U.S. Patent Office

From: Wayne L. Jacobs

Re: Our File: BARN-94US3  
Serial No. 10/667,172 filed 09/19/03

Fax: 1-703-872-9306

Pages: 15 (including cover sheet)

**MESSAGE/COMMENTS**

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Wayne L. Jacobs, Reg. 35,533 Date 3/10/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 10/667,172  
Filed: September 19, 2003  
Group Art Unit: 2878  
Examiner:  
Applicant: Steven C. Peake  
Title: METHOD AND APPARATUS FOR DETERMINING LIQUID  
ABSORPTION OF AGGREGATE

Cincinnati, Ohio 45202

March 10, 2004

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P. O. Box 1450  
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Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. The instant application is a continuation-in-part of Application Serial No. 10/294,856 filed November 14, 2002, which is a continuation of Serial No. 09/643,329 filed August 22, 2000, now U.S. Patent No. 6,486,475 issued November 26, 2002. The cited references were cited by the Applicant and/or Examiner in Serial Nos. 10/294,856 and 09/643,329 with the exception of Barnstead

International's Vortex Maxi Mix® III Product Description/Operation and Instrutek's Web Shop Catalog. Since priority is claimed in the instant application to Serial Nos. 10/294,856 and 09/643,329, copies of the references are not being supplied herewith under the authority of 37 C.F.R. §1.98(d), with the exception of Barnstead International's Vortex Maxi Mix® III Product Description/Operation and Instrutek's Web Shop Catalog. No admission is made that the cited art represents the prior art or that the cited art is the most material art.

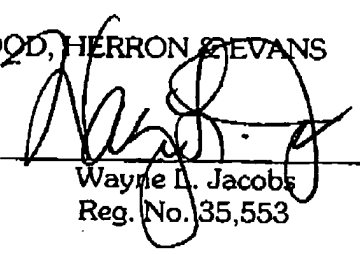
The Examiner is urged to consider the cited references listed on the attached form PTO-1449, and to make an independent decision with respect to their materiality.

It is submitted that the cited references do not disclose or render obvious the subject matter claimed in the present application.

Respectfully submitted,

WOOD, HERRON & EVANS

By:

  
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Sheet 1 (A) of 2

SUBSTITUTE FORM PTO-1449  
(MODIFIED)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
BARN/94US3SERIAL NO.  
10/667,172INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTAPPLICANT  
Mark D. Lockwood et al

(37 CFR 1.98(b))

(Use several sheets if necessary)

FILING DATE  
09/19/03GROUP  
2878

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A	4	2	6	6	8	7	8	05/12/81	Auer			12/26/78
	A.B	4	8	7	1	9	1	7	10/03/89	O'Farrell et al			04/19/88
	A.C	5	0	1	7	7	8	7	05/21/91	Sato et al			10/31/89
	A.D	5	0	8	7	8	1	7	02/11/92	Chiba et al			03/25/91
	A.E	5	2	2	0	1	6	8	06/15/93	Adamski et al			04/16/92
	A.F	5	3	5	7	4	4	1	10/8/94	Petty et al	702	104	03/11/94
	A.G	5	5	9	0	9	7	6	01/07/97	Kilheffer et al			05/30/96
	A.H	5	6	0	5	8	4	1	02/97	Johnsen	250	339.11	05/14/93
	A.I	5	7	5	5	0	4	1	05/26/98	Horwitz			04/28/97
	A.J	5	8	0	1	3	3	7	09/01/98	Peake			01/11/96
	A.K	5	8	7	0	9	2	6	02/16/99	Saito et al			03/13/97

## FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	A.L						
	A.M						
	A.N						
	A.O						
	A.P						
	A.Q						

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	A.R	Marcel Dekker, Inc., <u>A Review On Absorption Of Asphalt Into Porous Aggregates</u> , Fuel Science And Technology Int'l., 11(5&6), 611-637 (1993)
	A.S	Prithvi S. Kandhal, Rajib B. Mallick, Mike Huner, <u>Measuring Bulk-Specific Gravity Of Fine Aggregates</u> , Committee on Characteristics of Nonbituminous Components of Bituminous Paving Mixtures, Transportation Research Record, Paper No. 00-1230
	A.T	Barnstead International Product Center, <u>VORTEX MAXI MIX@ III Product Description/Operation</u> , www.barnsteadthermolyne.com/productline4, 1/27/2003

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Substitute Disclosure Form (PTO-1449)

Sheet 2(B) of 2

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PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
BARN/94US3SERIAL NO.  
10/667,172INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTAPPLICANT  
Mark D. Lockwood et al

(37 CFR 1.98(b))

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FILING DATE  
09/19/03GROUP  
2878

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	B.A	5	9	0	8	2	4	0	06/99	Hood	366	18	03/17/97
	B.B	6	4	8	6	4	7	5	11/28/02	Earle et al	366	18	08/22/00
	B.C												
	B.D												
	B.E												
	B.F												
	B.G												
	B.H												
	B.I												
	B.J												
	B.K												

## FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	B.L						
	B.M						
	B.N						
	B.O						
	B.P						
	B.Q						

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	B.R	Instrutek, <u>Web-Shop Catalog</u> , www.instrutek.no/main.asp, 01/28/2003
	B.S	
	B.T	

EXAMINER

DATE CONSIDERED

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